



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 20, 1996

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR96-0986

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 40107.

The City of Garland (the "city") received two requests for an offense report for an occurrence on April 1, 1996. The suspect in the case is a juvenile. You assert that the requested report is excepted from required public disclosure based on section 552.101 of the Government Code in conjunction with Family Code section 58.007(e).

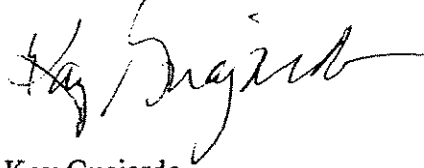
Section 552.101 of the Government Code excepts from required public disclosure information that is confidential by law, including information that is made confidential by statute. Family Code section 58.007(e) reads as follows:

Law enforcement records and files concerning a child may be inspected by a juvenile justice agency as that term is defined by Section 58.101 and a criminal justice agency as that term is defined by Section 411.082, Government Code.

This office recently construed this provision and concluded that the records of juvenile offenders concerning conduct occurring on or after January 1, 1996, that are held by law enforcement agencies are not made confidential under section 58.007 of the Family Code. See Open Records Decision No. 644 (1996) at 4. Consequently, the city may not withhold the requested information pursuant to Family Code section 58.007 in conjunction with section 552.101 of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Kay Guajardo', with a long horizontal flourish extending to the right.

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 40107

Enclosures: Submitted documents

cc: Mr. George Dozier
286 Oates Road #1
Garland, Texas 75043
(w/o enclosures)

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